

MINUTES
COMMITTEE ON EQUAL OPPORTUNITIES
FEBRUARY 11, 2002

The Committee on Equal Opportunities met February 11, 2002, in Frankfort. Members present: Mr. Cunningham, Mr. Davies, Mr. Graham, Ms. Helm, Ms. Prather, Mr. Thomas, Ms. Watts, and Mr. Wilson. Members absent: Mr. Baker, Mr. Robinson, Ms. Weinberg, and Mr. Welch. Mr. Barger chaired the meeting.

The minutes of the October 15, 2001, meeting were approved as presented.

Angela Martin, vice president for finance, gave an update on the 2002-04 biennial budget.

Kentucky Plan for Equal Opportunities 2002 Degree Program Eligibility: Four institutions are eligible for quantitative waivers, and two community colleges qualify for a qualitative waiver. One institution is ineligible because it was granted a waiver in 2001.

Two technical colleges are automatically eligible. Three are eligible for a quantitative waiver, and nine qualify for a qualitative waiver. One institution is not eligible because it was granted a waiver in 2001.

This is the first time this many institutions, especially the universities, have automatic eligibility. It indicates that the programs established by the institutions are showing steady progress. There appears to be some continuity among the programs being implemented.

Representation of faculty among and across departments is the objective area giving institutions the greatest difficulty. There is a need to have greater representation of African Americans at the executive and administrative levels and among the non-faculty professional staff.

Equal Opportunity Planning – 1997-2002 Kentucky Plan and OCR Partnership Status: The third status report has been submitted to the Office for Civil Rights. This report shows that Kentucky institutions are implementing the commitments outlined in the agreement.

The Commonwealth continues to support the enhancement of Kentucky State University. During the 2000 General Assembly, state-supported bond funds were authorized to renovate both Carver and Hathaway Halls. The bonds have been sold and capital projects accounts established to complete the renovations.

In 2001, the council recommended to the Governor that additional funds should be included in the 2002-04 capital budget to complete the renovation of Hathaway Hall. Young Hall has also been included in the council's recommendation for agency bond authority in 2002-04. Also, the council recommended that the 2002-04 biennial budget include funds to make the required land grant program match for KSU.

Other KSU enhancement initiatives include the approval of a Bachelor of Science in Nursing at the CEO's November 5, 2001, meeting. The council budget recommendation included funds to support the Governor's Minority Student College Preparation Programs (GMS CPP) and the Southern Regional Education Board (SREB) Doctoral Scholars program in fiscal years 2002-03 and 2003-04.

The OCR praised statewide programs such as the GMS CPP, Proficient Seniors Conference, and the SREB Doctoral Scholars Program for their contributions to the recruitment and retention of African American students.

Mr. Thomas asked about the status of the original recommendation made by the OCR. Mr. Jackson stated that in the 2000-02 session of the General Assembly, the council recommended, the governor placed in the budget, and the legislature authorized state funds to renovate Carver Hall. Also state funds were authorized to renovate Hathaway Hall, but the amount was not sufficient to completely renovate that facility. Therefore, in the 2002-04 budget recommendation, the only capital project recommended by the council is the additional money to renovate Hathaway Hall. When the Governor introduced his budget to the General Assembly, there were no capital construction projects included. However, the \$3.79 million authorized by the 2000 General Assembly will be used to complete a phase one renovation for Hathaway Hall.

Regarding Young Hall, the Commonwealth's policy is that state monies are not spent to renovate or to construct student housing. In August 2000, the council allocated agency bond authority to KSU to renovate Young Hall. In November 2000, the council approved KSU's request to postpone the renovation of Young Hall until the 2002-04 budget in order to identify institutional funds to pay the debt service on agency bonds. As part of the postponement, the council agreed to reserve \$9 million from any agency bond authority given by the 2002 legislature to renovate the Young Hall dormitory.

The Governor requested \$66.8 million of agency bond authority for 2002-04. The budget bill is being considered by the General Assembly. If the budget bill passes, then the council would, again, provide the agency bond authority for KSU to renovate Young Hall.

Mr. Thomas asked about the status of the agriculture research extension and education reform act and the federal funds match for the land grant program. Mr. Jackson stated that the Commonwealth determined that through the budgetary process beginning in 1984 (under the 1982 desegregation plan) monies are provided in the university's base budget for the land grant match with the exception of approximately \$500,000. The council's 2002-04 budget recommendation to the governor included a recommendation to provide \$487,800 in 2002-03 and \$502,400 in 2003-04 to make the 50 percent federal funds match for the land grant program.

Mr. Wilson, CEO member and also chair of the KSU Board of Regents, stated that the concept of what constitutes new monies needs to be determined. In 1984, the Council on Higher Education provided Kentucky State University with money, beyond what the university calls enhancement monies, for the land grant program. The university believes that the 1998 Farm Bill suggests that states should provide new monies for the 1890 land grant programs. The institution believes that the 1998 Farm Bill is asking for money above the monies currently in the institution's base. The

university contends that new monies are not being provided. The university is arranging a meeting of all parties as soon as possible to seek clarification of the intent of the farm bill. Mr. Graham agreed that clarification is needed and also stressed that this issue needs to be addressed quickly.

Mr. Jackson explained that KSU would not lose its land grant program. The USDA will provide funds up to the amount that the university is able to match. Only the unmatched portion of the federal funds will be lost for that particular fiscal year -- the land grant program itself will continue. The aquaculture program, approved by the council in 1999, will not be lost because it was funded by state funds -- the first round of trust funds appropriated by the General Assembly to create the programs of distinction. The entire land grant program must have the match, not individual or specific program areas.

Ms. Watts asked the status of KSU's communications and diversity program and asked if the campus climate at KSU was being monitored and improving.

Dr. Betty Fritz-Cook, Kentucky State University, associate professor and liaison for diversity management, addressed the committee. She stated that meetings and seminars are held regularly along with discussions, but that it is difficult to measure improvements in the campus climate. Dr. Fritz-Cook said that it depends on whom you talk to. Generally, it cannot be said that the black faculty and the white faculty work together the way they should.

Ms. Watts stated that the university needs standards and measurement tools in place to measure impact of its programming. When the committee makes a campus visit, it expects to see a difference in the campus environment and does not want to be presented with the same issues discussed four or more years ago.

Mr. Barger stated that the committee is looking for ways to help Kentucky State University achieve some good things. He asked if the campus environment team was active. Ms. Fritz-Cook replied that participation is always encouraged but attendance is low. Within one week of their last meeting, they met with the president and discussed the issues brought to the campus environment team.

Review of Process for Granting of Waivers -- Subcommittee Report: The subcommittee members are Marlene Helm (chair), Hilma Prather, Walter Baker, and Wendell Thomas. Ms. Helm reported that the subcommittee met December 5, 2001. The subcommittee made the following recommendations:

- The CEO should begin having a study session on the Sunday afternoon prior to a regular meeting to discuss issues and develop more camaraderie. The first study session should be held Sunday, February 10, 2001. The session should cover information about the history of Kentucky desegregation planning, establishment of the CEO, passage of SB 398, and establishing the waiver process.
- Council staff should include a comparative summary of institution performance, status of recommendations from campus visits, and past actions of institutions to implement programs promised when requesting a waiver in a prior year.

- Include the institution's written request as an appendix to the staff report.
- The CEO should consider placing a limit on the number of programs that an institution may implement under the waiver provisions.
- Develop a template for institutional submission of the request for a waiver. As part of the waiver review process, ask requesting institutions to provide specific actions, timelines, and outcome measures rather than general information on each of the 10 items listed in 13 KAR 2:060. If an institution has received a waiver in the prior four years, require the report to include the status of the specific programs implemented to support granting of waivers in the prior years.
- Alter the approval process for granting of a waiver. Possible strategies:
 - Make the granting of a waiver a two step process.
 - Institutions would present plans for improvement at one meeting; then the CEO would vote on the request at a second meeting – after the institution presented evidence of success.
 - The CEO should allow approximately 60 days between the presentation by an institution and voting on the request for a waiver.
- Institutions should be required to return and make a full presentation of progress after the conclusion of the waiver period. This should include reports of actions taken by the institutions to implement recommendations made at the most recent campus visit by CEO.
- The CEO should give a regular report at each council meeting so that the issues of equity and EEO compliance take on a more prominent role.
- CEO members should become experts on a particular institution.
- Members of CEO should have a term limit.

The waiver process is a very powerful tool to assist the universities in achieving their goals and for Kentucky to reach its ultimate goal. There needs to be consistency in the way the tool is applied, better results, and more follow through.

The committee, as a whole, needs to spend more time reviewing and understanding the history of the partnership and desegregation issues that confront Kentucky – present and past issues. Also, when an institution asks the council for approval of a program, the staff recommendation should state that the institution has received a waiver from the CEO. More communication and higher visibility of the work of the committee is needed, and the waiver process should be used to increase the diversity on campuses.

A motion was made and seconded to adopt the recommendations of the subcommittee.

Mr. Barger emphasized that the waiver is a regulation and that is not being changed. Changes will be made in the process that leads up to the granting of the waiver. He stated that the subcommittee would stand until it is necessary to dissolve it.

Implementation of the New PRAXIS II Standards for Teacher Certification in Kentucky:

Mr. Wendell Cave, staff of the Education Professional Standards Board (EPSB), gave the committee an update on the implementation of the new standards.

Mr. Cave stated that KRS 161.030 requires that new teachers successfully complete appropriate assessments prior to being certified. The EPSB is required to select the assessment tool and to determine the cut-off scores. Administrative regulation 704 KAR 20:305 was adopted to allow the EPSB to implement this statutory requirement.

The intent of the new teacher testing program is to provide a measure of competency of newly certified teachers to be able to teach the subjects that are specified on the certificates. 704 KAR 20:305 was amended by the EPSB in fall 1999 and those changes took effect January 1, 2000.

The following changes in the testing program were implemented as a result of the 1999 amendments. The cut-off, or passing, scores were increased for most of the tests. Passing scores were lowered for mathematics content from 144 to 125; physical education content from 152 to 147; chemistry content from 144 to 138; physics content from 141 to 114; and general science content from 150 to 146.

Why were cut-off scores changed? Passing scores and the percent of students that passed the tests in 1998 and 1999 were not improving. Some were making 100 percent on some tests. Some tests were not within the range that the EPSB had set for test scores. There was a rule of thumb that no passing score in Kentucky would be outside of the 15-25 percentile range which means no passing score in Kentucky would be greater than 25 percent of what that score would be of 25 percent of the people nationwide who took the test. To score in the bottom 25 percent or between the 15 and 25 percent of the bottom performers taking the test nationally – that is how the cut-off scores are defined.

Why were some cut-off scores lowered? Some of the scores were not within the 15 to 25 percentile range and some of the pass rates were too low. The cut-off scores needed to be lowered to get a better percentage of pass rates.

The 2000 Higher Education Act requires every state to do a Title II Report Card. One part of that report card is a compilation of the pass rates for the tests that states use to certify new teachers. The first report card will include the 1999-2000 program completers from Kentucky's 27 teacher education programs. The EPSB believes that the pass scores in effect at that time weeded out 6 percent of the cohort taking the test – only 94 percent passed.

The effect of raising cut-off scores will not be known until the EPSB publishes the second Title II report card. The EPSB contracts with ETS to conduct the test and generate the pass rates. Institutions that have a teacher education program provide the EPSB the data on the individuals that have completed that institution's requirements to graduate from the teacher education program. The information is shared with ETS for use in developing assessment results. The institution then works with ETS to clean the data. Then ETS shuts the system down and generates pass rates. The new pass rates that will be used for 2001-02 Title II federal report will be public April 8, 2002.

Ms. Prather requested a comparison of information with the new passing rates for the CEO's June meeting. Mr. Cave replied that the printouts could be available at the CEO's April meeting

-- not a comparison between years or reasons or significance of the changes. Pass rates by race and institution probably could be identified by the CEO's June meeting.

Mr. Cave explained that the EPSB establishes a validation panel to review each of the tests. The panel reviews each item on the test and ranks it. Eighty percent of the items on the test must be ranked as something people who are graduating from a teacher education program today would know -- then that test is validated and is used. Once the test is validated, the pass rate is set between the 15th and 25th percentile nationally.

Another part of the validation panel's responsibility is to look at the items in terms of the Kentucky Program of Studies and the Kentucky Core Content for assessment. They validate it if it is something a person needs to know to effectively teach.

Ms. Watts asked that KSU and UofL be invited to the April meeting to provide a status report on their teacher education programs.

Mathematics Alignment Linking Mathematics to Jobs: Dianne Bazell made a presentation. She stated that the P-16 Council and the National Commission on the High School Senior Year recommends that students take mathematics every year of high school and that a rigorous level be taken. The CEO previously had endorsed this project.

The greatest predictor of success in college is the level and the amount of mathematics that high school students take. The number of jobs requiring some postsecondary education is increasing and the number of jobs requiring only a high school diploma is decreasing. Mathematics, especially algebra, serves as a gatekeeper for higher paying and higher skilled jobs in a knowledge-based economy. One way to ensure that women and minorities have a place in a knowledge-based economy at the new economy table is to promote the study of mathematics. Mathematics needs to be enticing and appealing and it needs to show the clear connection between everything done in high school and middle school with career opportunities.

New Degree Programs Implemented Under the Waiver Provisions in Calendar Year 2001:

Mr. Jackson reminded the committee that they requested a report on the number of degree programs, by institution, implemented under the waiver process. [Note: Morehead received approval for two additional degree programs -- previously mailed information to committee was updated.]

In calendar year 2001, ten new degree programs were implemented under the waiver process. One by Murray State University, four by Morehead State University, and three by the KCTCS for community colleges and two for technical colleges -- Hopkinsville Community College had one, Maysville Community College had two, and Northern Kentucky Technical College had two. The CEO granted a qualitative waiver to Morehead State University and Northern Kentucky Technical College. The other programs were implemented under quantitative waivers.

Ms. Prather expressed concern about the number of technical colleges that will automatically qualify. Progress on the number of African American undergraduate enrollees is being made, but eight institutions have no African Americans employed in any capacity whatsoever. In

several others, African Americans are only employed in one of the three employment categories. This is a huge deficiency and the CEO needs to see improvements on this by the next reporting cycle. She said that she would be very cautious about approving waivers in institutions where there are no African Americans employed in any capacity.

Other Business: The committee asked the institutional representatives to discuss any noticeable effects on their campuses from the September 11 incident and to report on the progress of their campus environment teams.

Lawrence Fortson, KCTCS: The KCTCS has programs in place and is working with the technical colleges to make progress toward their goals. The CEO will not receive any waivers requests from any technical college that does not have African Americans in those positions. The KCTCS maintains a minority data bank -- gathering resumes and providing information whenever there is an opening. The KCTCS has not noted any incidents on any campus as a result of the September 11 attacks.

Ms. Helm requested that staffing information for the CPE offices and for the KCTCS administrative unit be provided to the members of the committee.

Deneese Jones, University of Kentucky: The chair reports directly to the president offering recommendations and initiatives based on a 19-member commission. The commission was charged to examine recruitment, retention, and matriculation of students relative to racial/ethnic groups. Faculty and staff recruitment and retention are a focus of this commission. The commission also has community representation because of the importance to connect the community to the university.

Mordean Archer-Taylor, University of Louisville: A university-wide vigil was held with over 500 participants including the president, the provosts, and deans. The University of Louisville had a number of racial incidents that occurred after September 11. There was concern about the international students, but other things that occurred on campus were targeted to African American students. Safe places to go and 24-hour counseling were provided to the international students. The incidents were addressed, but there were concerns about whether they were handled with due speed and whether or not the action was effective.

Some TKE fraternity members had blackened faces at Halloween. That fraternity was suspended – reinstatement may occur in the fall 2002 semester. Questions about first amendment rights and the protection of first amendment rights were raised.

A proposal to create a rapid response team is being presented to the president. The Commission on Diversity and Racial Equality made the recommendation. Realizing there was no policy that dealt with race and other discriminatory issues, an interim policy on discriminatory harassment is in place and Ms. Archer-Taylor co-chair a committee that is working to get a more formal policy in place. The president held a day-long diversity retreat. Vice presidents and deans along with the members of Commission on Diversity and Racial Equality were mandated to attend.

Ms. Prather asked that a status report on institutional racial harassment policies be included on the agenda for the April meeting.

Francene Botts-Butler, Morehead State University: The students initiated and conducted a vigil September 13 in response to the attacks of September 11. There were no incidents with international students as a result of the September 11 attacks. The MoSU Cosmopolitan Club (which deals with international students) and the Black Student Coalition are planning a joint social in celebration of Black History Month. Morehead has a discrimination policy in place that deals with race, sex, religion, disabilities, veteran's status, etc. The university also has a separate sexual harassment policy in place.

The campus environment team has met. In 2001, the chair of the committee and Ms. Botts-Butler attended the roundtable meeting that the OCR office had in the eastern district. The campus environment survey is being finalized and will be distributed to faculty, staff, students, the board of regents, and some community members in March 2002. Ms. Botts-Butler extended an invitation to the CEO for February 24, to attend the open house of the new Multicultural Center that has been re-established at MoSU.

Virginia Underwood, Eastern Kentucky University: The deans of the five colleges designed a 13-member roundtable panel of various experts on campus ranging from the Islamic faith to airport security to individual riots vs. military and defense of the country. This was open to the university and the Richmond community at large. It was very successful. The student government also arranged a day of events.

The director of international studies was involved in ensuring that the international students were safe on campus. The director and the university's interim president circulated a memoranda campuswide addressing this issue. President-elect Glasser also participated in activities. Ms. Underwood emphasized that open communication, recognition of support from everyone on the campus from the top down, listening to the students, moving fairly quickly to address the concerns, responding to them, and having an open forum were very important.

Dr. Michael Foster, Eastern Kentucky University: This is a standing committee that consists of about 22 individuals including faculty, staff, and students. The committee had a retreat with all members of the committee participating, including President Glasser who has been very involved. The committee reports directly to President Glasser and the provost.

In addition to ethnic and racial diversity, the committee also focuses on international students, differently enabled individuals, and the physically challenged. Three subcommittees were created to make recommendations and plan activities including recruitment and retention efforts, recommendations to the administration regarding policy, and inclusion of diversity in things such as the university mission statement and education and awareness which is responsible for planning programs to improve the campus climate.

Cheryl Nunez, Northern Kentucky University: September 11, the day of the tragedy, the president went to the plaza to mingle with students and instructed other vice presidents to do the same. The first year programs office organized an online discussion of how best to integrate the

discussion of September 11 into the course that introduces new students to the university. Students Together Against Racism (an organization whose sole purpose is to confront racism on the campus and in the community) organized an arm band campaign expressing solidarity with Muslim students for a period of several weeks after the tragedy. The university's first Muslim Student Union was recently organized, and they and STAR cooperated in this campaign. Also, a faculty member on campus organized a forum to discuss terrorism.

C.J. Woods, Western Kentucky University: After the September 11 attack, the president sent letters to faculty, staff, and students expressing his concern about the incident and suggested things that could be done as a campus community to show patriotism and support. Since then, the university diversity advisory committee has completed four major initiatives: other activities include having the group 'Synergy' visit the campus; a diversity leadership conference is planned for April 13, 2002; a regional conference for students was authorized; and an exit survey for faculty is to be done.

Two forums were held on campus – racism at WKU, and the confederate flag a history of hate. Other forums will be held each month focusing on diversity, racism, and discrimination. During the Martin Luther King program, Judge Joe Brown, a motivational speaker, was on campus as was Ice T.

Mr. Woods asked for clarification on the definitions of executive, administrative, managerial employment of faculty and employment of professionals – WKU has several faculty who serve in executive positions and are also tenured faculty and was not sure if they are being double dipped. Mr. Jackson replied that it is unduplicated. The institution has to choose where that individual is serving with the greatest amount of time and that's where it shows up on the staff survey. Mr. Jackson also said that this information is in the staff survey -- the instrument that the institutions have to complete and the NCES staff survey document.

Ms. Taylor-Archer suggested that institutional representatives be given an opportunity to report on campus diversity initiatives as part of the regular CEO meeting agenda. Chair Barger agreed that time should be provided for comments by institutional representatives.

Annazette Fields, Murray State University: Dr. Don Robertson discussed the issues in relation to the September 11 events at the previous CEO meeting. The university held special meetings with students on the Murray campus with Muslim backgrounds, and Murray's students studying abroad were checked on. Arrangements for reimbursement for military students were made. Initially, weekly meetings with students were held. The president communicated with faculty and with students.

Ms. Prather asked staff to remind the OCR to provide the committee with a campus visit schedule. The next CEO meeting is April 15 with a retreat April 14.

The meeting adjourned.